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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,931	01/03/2001	Jose Iruela	FR919990094US1	1727

25299 7590 05/20/2004

IBM CORPORATION  
PO BOX 12195  
DEPT 9CCA, BLDG 002  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

BYRD, JOHN

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/753,931

Applicant(s)

IRUELA ET AL.

Examiner

John B Byrd

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18 is/are rejected.
- 7) ☒ Claim(s) 15-17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, and 12 – 14, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burwell et al (hereafter Burwell).

-Consider claims 1 and 12, Burwell shows in figure 1 (USP#: 5,818,842) a system for transmitting a loopback cell within a switching node of an ATM connection. Burwell shows in figure 4, item 23, the component that would serve as the first adapter having associated ports wherein the loopback cells would enter. Figure 4, item 26; show the processing means for detecting a loopback condition when an ATM cell enters the first adapter. Figure 1, item 4, shows a system comprising a routing header function for appending a routing label to an ATM cell indicating the cell is a loopback cell to be looped back on the ATM connection (see column 5, lines 50 – 53, and 65 – 67). Burwell also discloses in his invention a system comprising a switching engine for transferring said loopback cell to first adapter port utilizing said appended label in figure 16, item 103 (see column 16, lines 52 – 61).

Art Unit: 2667

-Consider claims 2 and 13, Burwell shows in figure 6, item 29 a system comprising, in addition to the above items disclosed, an ATM label lookup table component for identifying ATM cells (see column 10, lines 33 – 38).

-Consider claims 4 and 14, Burwell discloses, in addition to the above-mentioned disclosures, a component within the system that's a processing means for reading a loop condition bit from a dedicated register (see figure 14; and column 6, lines 20 – 31).

3. Claims 1, 3, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moll.

-Consider claims 1 and 12, Moll shows in figure 2 (USP#: 5,710,760) a system for transmitting a loopback cell within a switching node of an ATM connection. Moll shows in figure 2, item 1 - 3, the component type that would serve as the first adapter having associated ports wherein the loopback cells would enter (see column 3, lines 64 – 67; column 4, lines 1 – 3). Figure 2, item 1, shows the processing means for detecting a loopback condition when an ATM cell enters the first adapter (see column 4, lines 1 – 3). Figure 2, item 1, shows a system comprising a routing header function for appending a routing label to an ATM cell indicating the cell is a loopback cell to be looped back on the ATM connection (see column 5, lines 15 – 21). Moll also discloses in his invention a system comprising a switching engine for transferring said loopback cell to first adapter port utilizing said appended label (see column 6, lines 8 – 11).

-Consider claim 3, Moll describes a method that the invention performs for identifying ATM cells with respect to the first adapter port and a virtual path/virtual circuit encoded on the ATM cell (see Column 5, lines 15 – 21).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell as applied to claims 12 and 1 above, and further in view of Park et al (hereafter Park).

-Consider claims 8, 9, and 18, Burwell discloses a system for transmitting a loopback cell within a switching node of an ATM connection. Burwell's invention differs from the claimed invention in that it does not disclose a switch routing label for identifying the adapter as the output adapter from which the loopback cell will exit. Park discloses an apparatus that provides a means for identifying the first adapter as the output adapter from which the loopback cell will exit the switching node (see column 11, lines 41 – 50). Since the communication system has a need for identifying the first adapter as the output adapter from which the loopback cell will exit the switching node, it would have been obvious to those skilled in the art to implement the apparatus of Burkwell with the apparatus of Park.

Art Unit: 2667

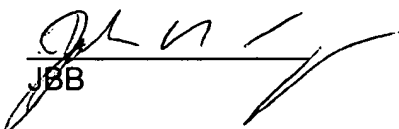
***Allowable Subject Matter***

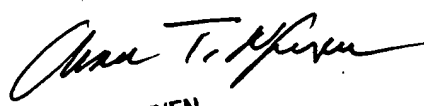
6. Claims 15 – 17, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B Byrd whose telephone number is 703-305-4682. The examiner can normally be reached on 7:30am - 4:00pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JBB

  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600